

The Honorable Marc Barreca
Chapter 7
EX Parte

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

IN RE:

Rupanjali Snowden,

Debtor.

Check Into Cash of Washington, Inc.

Defendant.

Case No. 09-10318

Chapter: 7

**EX PARTE MOTION FOR ORDER
APPROVING SETTLEMENT
AGREEMENT**

COMES NOW, Rupanjali Snowden, the Chapter 7 Debtor in the above referenced matter, (“Debtor”), by and through her attorney, Christina L. Henry of Henry, DeGraaff & McCormick, P.S. and Check Into Cash of Washington, Inc. (“CIC”) by and through their attorney, Amit D. Ranade of Hillis Clark Martin & Peterson P.S. jointly move this court for entry of an order approving a Settlement Agreement between the Debtor and CIC pursuant to 11 USC §105 and Federal Rule of Bankruptcy Procedure 9019, and in support of this motion (“Motion”) state as follows:

1. In November 2008, the Debtor obtained a payday loan of \$500 from CIC. As security for the loan, she gave CIC a check in the amount of \$575, which CIC had the right to present for

MOTION FOR MOTION FOR ORDER APPROVING
SETTLEMENT - 1

HENRY, DEGRAAFF & MCGORMICK, P.S.
1833 N 105TH ST, STE 200
SEATTLE, WASHINGTON 98133
telephone (206) 330-0595
fax (206) 400-7609

1 payment if the Debtor did not repay the loan on the terms and conditions of the parties' loan
2 agreement. The Debtor did not repay the payday loan.

3 2. On January 16, 2009, the Debtor commenced a Chapter 7 bankruptcy in the United
4 States Bankruptcy Court for the Western District of Washington captioned In re Snowden, Case No.
5 09-10318-PHB (the "Bankruptcy Case"). CIC initiated an electronic funds transfer on February 19,
6 2009 resulting in \$575 being debited from the Debtor's account. In April 2009, the Debtor filed a
7 Motion for Sanctions against CIC seeking recovery of the \$575, resulting overdraft fees, plus
8 emotional distress and punitive damages (the "Motion"). The Debtor also sought recovery of all of
9 the attorneys' fees she incurred in connection with the Motion.

10 3. The matters raised in and by the Motion proceeded to an evidentiary hearing and
11 resulted in a money Judgment, a copy of which is attached hereto as Schedule 1 (the "Judgment").
12 Both parties subsequently appealed the Bankruptcy Court's decision on the Motion as well as the
13 Judgment, and there is an appeal currently pending in the United States Court of Appeals for the
14 Ninth Circuit, which has issued a published opinion on the appeals.

15 4. In order to avoid the expense and uncertainty of continued litigation of the matters
16 raised in and by the Motion, the parties agreed to resolve their disputes on the following terms and
17 conditions.

18 5. The parties have reduced their settlement agreement to writing, which is attached
19 to the Declaration of Christina L. Henry in Support of this motion.

20 6. The main substance of the settlement agreement is that the parties will release each
21 other, and that CIC will pay the Debtor the sum of \$120,000 (the "Settlement Payment") in full and
22 final settlement of all claims and allegations set forth in the Motion.

23 7. At as of October 23, 2014, \$120,000 is sitting in Henry, DeGraaff & McCormick,
24 LLC's trust account pending disbursement upon entry of an order on this motion.

25 MOTION FOR MOTION FOR ORDER APPROVING
26 SETTLEMENT - 2

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8. Since the Chapter 7 Trustee, the United States Trustee and all other creditors do not have any interest in the settlement funds as they are not property of the estate, this order is being submitted ex parte, without scheduling a hearing. After five years of litigation over this matter, the unsecured creditors were discharged in this case on May 20, 2009 and the Chapter 7 Trustee issued a Report of No Distribution on April 3, 2009.

WHEREFORE, the Debtor and CIC prays for an order accordingly.

Dated this 23rd day of October, 2014.

HENRY, DEGRAAFF & MCCORMICK, P.S.

By: /s/ Christina L. Henry
Christina L Henry, WSBA #31273
Attorney for the Debtor